

DPS-327

August 31, 2006

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

C.A. No. **06-1826**

JOHN E. FELGAR

VS.

PENNSYLVANIA BOARD OF PROBATION AND PAROLE

(W.D. Pa. Civ. No. 04-cv-0196)

Present: FUENTES, VAN ANTWERPEN and CHAGARES, CIRCUIT JUDGES

Submitted is appellant's notice of appeal, which may be construed as a request for a certificate of appealability under 28 U.S.C. § 2253(c)(1) in the above-captioned case.

Respectfully,

Clerk

MMW/EGL/ch

**O R D E R**

**The foregoing** request for a certificate of appealability is denied because, even assuming that some of appellant's claims did not become moot when he was released from prison, appellant has failed to make a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). See also Slack v. McDaniel, 529 U.S. 473, 484 (2000).

By the Court,

/s/ Franklin S. Van Antwerpen

Circuit Judge

Dated: September 13, 2006

CH/cc: John E. Felgar

Kemal A. Mericli, Esq.



*Marcia M. Waldron*

Marcia M. Waldron, Clerk